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June 8, 2015

Via ECF (S.D.N.Y. and C.D. Cal.) and Email (D. Kan.)

The Honorable Denise L. Cote
United States District Court for the Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007

The Honorable John W. Lungstrum
The Honorable James P. O'Hara
United States District Court for the District of Kansas
500 State Avenue, Suite 517
Kansas City, KS 66101

The Honorable George H. Wu
United States District Court for the Central District of California
312 North Spring Street
Los Angeles, CA 90012-4701

Re: *NCUA v. RBS Securities, Inc.*, No. 13-6726 (S.D.N.Y.)
NCUA v. RBS Securities, Inc., No. 11-5887 (C.D. Cal.)
NCUA v. RBS Securities, Inc., No. 11-2649 (D. Kan.)
NCUA v. Morgan Stanley & Co., No. 13-6705 (S.D.N.Y) (Lead Case)

Dear Judges Cote, Lungstrum, Wu, and O'Hara:

We write on behalf of NCUA, as liquidating agent, pursuant to the Courts' May 20, 2015 order (ECF No. 297, 13-cv-06705). The order requires that, if a discovery dispute concerning NCUA's coordinated actions is transferred from another district court to the Southern District of New York, then "promptly after any such transfer the party seeking the discovery shall file in each district in this coordinated litigation copies of the motion papers related to the dispute." *Id.* at 3.

On June 4, the Northern District of Illinois transferred to the Southern District of New York a motion to quash a deposition subpoena filed by former RBS employee James Whittemore (ECF No. 307-1, 13-cv-0675). Following the transfer order, Whittemore's counsel confirmed that he intended to proceed with the motion and to stand on the papers filed in the Northern District of Illinois. NCUA has not yet had an opportunity to respond to Whittemore's motion.

As the "party seeking the discovery" under the Courts' May 20 order, NCUA now submits Whittemore's motion, supporting brief, and certain exhibits originally filed in the Northern District of Illinois. In the interest of brevity, NCUA omits a number of the exhibits to Whittemore's supporting brief because they consist of documents that are readily available to the Courts, and with which the Courts are already familiar:

- Exhibits 2-4, which are copies of NCUA's operative complaints against the RBS defendants in the Southern District of New York, the Northern District of California, and the District of Kansas; and
- Exhibit 5, which is a copy of the Master Discovery Protocol entered in these coordinated actions.¹

NCUA requests that it be given until noon Eastern Time on Thursday, June 11, to file its opposition to Whittemore's motion consistent with the procedures outlined in § 2 of the Master Discovery Protocol.

¹ Whittemore filed Exhibits 6-9, which appear to be transcripts from four of his prior depositions, under seal. Because Whittemore's counsel did not provide courtesy copies, and because NCUA's counsel are unable to access sealed exhibits through the CM/ECF system, NCUA has filed the publicly available placeholders for Exhibits 6-9.

Respectfully submitted,

/s/ Stephen M. Tillery

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